Demarest shows a plurality of heating elements with the control device having a plurality of heat settings. Nothe is said to show an electrical heating device having a plurality of heating elements each having different capacities that can be arranged to produce different heat outputs. Bunnell is also said to show an electrical heating device having a plurality of heating elements having different capacities with a control device to produce a plurality of heat settings. The rejection concludes, in view of Nothe or Bunnell, it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest with a plurality of heating elements having different heating capacities to produce a multiple heating outlet control to control the rate of heating evaporation of the volatile substance contained in a container.

In the Office action claims 4, 5 are rejected under 35 USC 103(a) as being unpatentable over Schimanski or Demarest in view of Nothe or Bunnell as applied above, and further in view of Basaganas Millan (US 6,278,840) or Hohn et al (US 5,438,914). The rejection states that Schimanski or Demarest in view of Nothe or Bunnell discloses all the structure claimed except having the wick opening between two parallel heating elements. Millan is said to show a wick opening in a heating block where the wick opening is between two parallel aligned heating elements. Hohn is said to show a heating element arranged where a heating object is situated between two parallel aligned heating elements. The rejection states that it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest, as modified by Nothe or Bunnell, with two parallel aligned heating elements to evenly and uniformly heat the wick which comes between two heating elements, in view of Millan or Hohn.

In the Office action, claims 6, 18, 19, 25 and 28 are rejected under 35 USC 103(a) as being unpatentable over Schimanski or Demarest in view of Nothe or

Bunnell as applied above, and further in view of Whitby et al (WO 01/05442). Whitby is said to show evaporation device having two containers each having a wick protruding from the container with two heating elements for heating the wicks. The rejection states, in view of Whitby it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest, as modified by Nothe or Bunnell, with an additional opening in its heating block to accommodate another container with a wick to heat two volatile materials simultaneously or separately depending on the user's desire.

In the Office action, claim 8 is rejected under 35 USC 103(a) as being unpatentable over Schimanski or Demarest in view of Nothe or Bunnnell, and Whitby, as applied above, and further in view of Wilson (US 2,715,056). Wilson is said to show a single container having a first and second chamber. The rejection states, in view of Wilson, it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest, as modified by Nothe or Bunnell, and Whitby, with a single container having two separate chambers as an alternative structure to provide multiple volatile materials for evaporation.

In the Office action, claims 13, 14 are rejected under 35 USC 103(a) as being unpatentable over Schimanski over Demarest in view of Nothe or Bunnell, as applied above, and further in view of Barrington (US 3,414,864). Barrington is said to show an electric resistance element in a rod-shaped resistance ceramic body with a resistance layer in the form of a metal film coated thereon, and a terminal cap for electrical connection. The rejection states, in view of Barrington, it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest, as modified by Nothe or Bunnell, with the heating element shown in Barrington.

In the Office action, claims 26 and 27 are rejected under 35 USC 103(a)

as being unpatentable over Schimanski or Demarest in view of Nothe or Bunnell, and Whitby, as applied above, and further in view of Barrington. The rejection states, in view of Barrington it would have been obvious to one of ordinary skill in the art to adapt Schimanski or Demarest, as modified by Nothe or Bunnell, and Whitby, with the heating element shown in Barrington as an alternate heating element.

Claims 7, 9, 10 and 20-24 are objected to as being dependent upon a rejected base claim in the Office action. These claims are said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner is respectfully requested to reconsider the rejection for the following reasons.

Concerning the primary references, Schimanski only shows a heating device with one single wick and one single heating block. There is no teaching of controlling the degree of evaporation. Demarest shows a heating device for volatizing and dispensing a chemical into a room environment having a housing with a fan inside which is driven by an electric motor having a rotor and a coil. When electric current is applied, the coil produces heat which is used to vaporize the chemical material.

Nothe and Bunnell both show conventional residential electric heaters. It is well known in the field of residential electric heaters to control the degree of heat by using a plurality of heat generating elements of various strengths. However, neither Nothe or Bunnell give any hint or teaching that the residential electric heaters may be applied to evaporation devices for controlling the evaporating volatile substances.

A person of ordinary skill in the art, faced with the problem of controlling the degree of evaporation in combination with an evaporation device for volatile

substances such as insecticides, perfumes, and the like, does not find any hint in this direction by Schimanski or Demarest. Both references are based on absolutely different problems such that the person skilled in the art would not reference these patent documents because the problem of the present invention is not present in those patent documents. It is respectfully submitted that one of ordinary skill in the art would choose one of the patent documents already described in the introductory part of the description of the present invention, or would choose the reference of Millan cited by the examiner, as the closest state of the art. These patent documents show an evaporation device being able to control the degree of evaporation. These documents teach one of ordinary skill in the art that in order to control the degree of evaporation it is necessary to change the position of the wick and the container carrying the wick, with respect to the heating block. For this purpose, all of the patent documents show difficult construction of many and various parts.

One of ordinary skill in the field of evaporation devices for volatile substances would not find any hint or teaching from the combination of Schimanski or Demarest and Nothe or Bunnell to provide an evaporation device for a volatile substance which does not use movement of the wick and container relevant to the heating block in order to control the rate of evaporation. In order to solve this problem, in accordance with the present invention, a heating block is used with at least two heating elements which can be adjusted through one single switching system. The switching system comprises a control device having a plurality of heat settings to provide a heat produced by the heating element to control the evaporation of the volatile substance by selectively activating the single heating elements. This expedient in controlling the degree of heat evaporation is totally different from all evaporation



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devices which are known up to the time of the present invention.

The present invention is a new and unobvious development in a different direction away from evaporation devices which have previously controlled the degree of evaporation by moving the wick relevant to the heating block. As discussed above, both Nothe and Bunnell describe conventional electric heaters for domestic use which operate on the basis of heat radiation. These electric heaters have nothing to do with the evaporation devices for volatile substances, such as insecticides and perfumes, or the like. One of ordinary skill in the art of evaporation devices for volatile substances would receive no hint or teaching. The combination of Nothe and Bunnell with patent documents from the field of evaporation devices of volatile substances is a combination made upon reflection after having the benefit of the present invention, and not obvious. Picking different features from patent documents from different fields, which a person of ordinary skill in the art would not combine, in order to come up with the subject matter of claim 1 is improper. The secondary references to Millan, Whitby, Wilson, and Barrington, do not remove the deficiencies of the basic references.

The indication of allowable subject matter, claims 7, 9, 10, and 20-24 is appreciated, however it is believed that all of the claims are now in condition for allowance.

Allowance of presently valid independent claims 1 and 8, and the claims depending on claims 1 and 8, which include additional limitations, is respectfully

requested, along with passing of the case to issue in due course of Patent Office business.

Respectfully submitted,

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**MARKED UP COPY SHOWING CHANGES TO CLAIMS**

20. The device of claim 18 wherein said wick openings [is] are formed in a central area of said heating block between two parallel aligned heating elements.